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Robert E. Bushnell
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In re Application of	:	DECISION ON PETITION
Moon-Key Han	:	UNDER 37 CFR 1.181
Application No. 10/069,762	:	
Filed: February 28, 2002	:	
For: CONNECTED SOLID SOAPS WITH	:	
KEEPING UNIT	:	

This is in response to applicant's Petition Under 37 CFR 1.181 filed August 27, 2004. The petition is directed to the examiner's failure to properly respond to an Information Disclosure Statement (IDS) filed on February 28, 2002. The petition requests five points of relief in view of the examiner's failure to properly respond to the IDS.

The petition is GRANTED to the extent indicated below.

A review of the file shows the following sequence of prosecution in the matter of the IDS:

An IDS was filed by applicant on February 28, 2002.

A Miscellaneous Letter was mailed August 11, 2003 indicating the IDS would be considered and the 1449 would be initialed and included in the next Office action.

On December 17, 2003 a Requirement for Election of Species was mailed . The IDS was not treated in this paper. Normally a prior art statement would not be treated in a written restriction requirement since the claims would not be examined at this time.

On April 6, 2004 a Notice of Non-responsive Amendment was mailed. The IDS was not considered. An IDS would not be considered in an amendment was non-responsive as there would be no examination of the claims at this time.

An Office action was mailed on August 23, 2004. The action indicated the IDS "...submitted July 9, 2003..." was considered although no 1449 was included in the action. It is noted the reference date of the IDS was erroneously listed as July 9, 2003.

As noted above, the petition requests five points of relief.

(A) The petition requests strike out of the portion of the August 23, 2004 Office action referring to the IDS "submitted on July 9, 2003". The Office does not strike out portions of previous Office actions. Any error in an Office action can be corrected in a subsequent action. This request is denied.

(B) The petition requests a supplemental final action including a corrected statement about the IDS. As noted above, no portion of the action is to be stricken, thus there is no reason for a supplemental action on the merits.

(C) The petition requests a completed copy of the 1449. The examiner will send out a miscellaneous Office action with a properly treated 1449. Since the examiner had indicated in her action that the IDS had been considered by her, it is assumed there would be no change in her position concerning any art in the IDS.

(D) The petition requests a re-start of the period for response, it is assumed, of the August 23, 2004 Office action. This is denied. There was no error indicated in the rejections set forth in that action. Failure to provide a signed 1449 would not keep applicant from responding to the points raised by the examiner in her action.

(E) The petition requests that the Office "Grant such other and further relief as justice may require". Other than providing applicant with a signed 1449, no other relief is deemed necessary.

The application is being forwarded to the examiner of record to prepare a proper response to the IDS filed February 28, 2002 including a copy of the 1449.



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